

**Iowa Department of Natural Resources  
Environmental Protection Commission**

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**ITEM**

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**DECISION**

**TOPIC**

**Final Rule - Amend IAC 567-Chapter 101; "Solid Waste Comprehensive Planning Requirements"**

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The Commission is requested to approve the attached Final Rule amending IAC 567-Chapter 101 "Solid Waste Comprehensive Planning Requirements." The Notice of Intended Action for this rulemaking was approved by the Commission in October 2005. This rule revision is needed to implement HF 399 that was passed by the 2005 General Assembly.

The request for action on this rule chapter is to incorporate minor amendments pertaining to solid waste comprehensive planning and the disposal of solid waste by planning areas at sanitary landfills located in another planning area. These revisions will add flexibility for planning areas in addressing the comprehensive planning requirements.

Under this rule, a planning area that closes all of its municipal solid waste sanitary landfills and uses a transfer station to send all waste to a RCRA Subtitle D compliant sanitary landfill located in another planning area, is allowed to retain its autonomy for solid waste comprehensive planning purposes. These changes directly reflect changes to Iowa Code per HF 399.

A public hearing was held on December 2, 2005 at the Wallace State Office Building in which no oral or written public comments were received, and therefore no changes were made to the rule as proposed and no responsiveness summary is needed.

The Commission is requested to approve this Final Rule.

Chad A. Stobbe  
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Environmental Services Division

December 27, 2005



# ENVIRONMENTAL PROTECTION COMMISSION

## Adopt and File

Pursuant to the authority of Iowa Code sections 455B.304, 455B.305, 455B.306, 455B.310 and 455D.7, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Iowa Administrative Code 567-Chapter 101, “Solid Waste Comprehensive Planning Requirements,” Iowa Administrative Code.

The amendments pertain to solid waste comprehensive planning and the disposal of solid waste by planning areas in sanitary landfills outside the planning area. The amendments are needed to implement 2005 Iowa Acts, House File 399. The amendments add some flexibility for planning areas in addressing the comprehensive planning requirements. Under these amendments, a planning area that closes all of its municipal solid waste sanitary landfills and uses a transfer station to send all waste to a Resource Conservation and Recovery Act Subtitle D compliant sanitary landfill located in another planning area is allowed to retain its autonomy for solid waste comprehensive planning purposes.

No comments were received during the public comment period, and therefore no changes were made to the rule as proposed and no responsiveness summary is needed.

These amendments are intended to implement Iowa Code sections 455B.304, 455B.305, 455B.306, 455B.310 and 455D.7.

The following amendments are adopted.

ITEM 1. Amend 567-Chapter 101 by adopting the following **new** rule and renumbering existing rules 567-101.12(455B,455D) and 567-101.13(455B,455D) as 567-101.13(455B,455D) and 567-101.14(455B,455D), respectively:

**567—101.12(455B,455D) Solid waste comprehensive plan categories.** Public or private entities operating or planning to operate a sanitary disposal project in Iowa, in conjunction with all local governments using the sanitary disposal project, shall file with the director one of two categories of comprehensive plans detailing the method by which the public or private entity, in conjunction with all local governments using the sanitary disposal project, will comply with solid waste comprehensive planning requirements. The first category is a comprehensive plan in which municipal solid waste is disposed of in a sanitary landfill within the planning area. The second category is a comprehensive plan in which all municipal solid waste is consolidated at and transported from a permitted transfer station for disposal at a sanitary landfill in another comprehensive planning area.

101.12(1) A planning area that closes all of the municipal solid waste sanitary landfills located in the planning area and chooses to use a municipal solid waste sanitary landfill in another planning area that complies with all requirements under Subtitle D of the federal Resource Conservation and Recovery Act, with all solid waste generated within the planning area being consolidated at and transported from a permitted transfer station, may elect to retain autonomy as a planning area and shall not be required to join the planning area where the landfill being used for final disposal of solid waste is located.

101.12(2) If a planning area makes the election to retain autonomy under subrule 101.12(1), the planning area receiving the solid waste from the planning area making the election shall not be required to include the planning area making the election in a comprehensive plan provided no services are shared between the two planning areas other than the acceptance of solid waste for sanitary landfill disposal. The planning area receiving the solid waste shall only

be responsible for the permitting, planning, and waste reduction and diversion programs in the planning area receiving the solid waste.

101.12(3) If the department determines that solid waste cannot reasonably be consolidated and transported from a particular transfer station (e.g., asbestos or bulky construction and demolition waste), the department may establish permit conditions to address the transport and disposal of the solid waste. An election may be made under this subrule only if the two comprehensive planning areas enter into an agreement, pursuant to Iowa Code chapter 28E, that includes, at a minimum, all of the following:

- a. A detailed methodology of the manner in which solid waste will be tracked and reported between the two planning areas.
- b. A detailed methodology of the manner in which the receiving sanitary landfill will collect, remit, and report tonnage fees, pursuant to Iowa Code section 455B.310, paid by the planning area that is transporting the solid waste. The methodology shall include both the remittances of tonnage fees to the state and the retained tonnage fees.

ITEM #2 Amend renumbered rule 567-101.13(455B,455D), introductory paragraphs, as follows:

**567—101.123(455B,455D) Types of comprehensive plan submittals to be filed.** ~~Public or private entities operating or planning to operate a sanitary disposal project in Iowa shall, in conjunction with all local governments using the sanitary disposal project, meet all comprehensive plan submittal requirements described in this rule.~~ There are three types of comprehensive plan submittals: initial, updates, and amendments. The purpose of these types of comprehensive plans is the development of a specific plan and schedule for implementing

technically and economically feasible solid waste management methods that will prevent or minimize any adverse environmental impact and meet the state's waste volume reduction and recycling goals pursuant to rule 567—101.6(455B,455D).

ITEM #3 Amend renumbered 101.14(4) as follows:

**101.14(4)** Form, manner, time and place of filing.

a. Form. Any person to whom or entity to which this rule applies shall file a completed DNR Form 542-3276, Quarterly Solid Waste Fee Schedule and Retained Fees Report.

b. Manner, time and place. Fees are to be paid on a quarterly basis. Sanitary landfills serving more than one planning area, as expressed in rule 101.12, shall submit separate Quarterly Solid Waste Fee Schedule and Retained Fees Reports for each planning area. The fees and report on retained fees will be due January 1, April 1, July 1, and October 1 for the quarters ending September 30, December 31, March 31, and June 30, respectively. The completed form shall be submitted with the appropriate fees to Accounting, Department of Natural Resources, Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319.

ITEM #4 renumbered 101.14(5), paragraph “a,” as follows:

a. Operating records. Those sanitary landfill operators who are subject to the fee assessment requirements of this rule shall maintain adequate records to determine and document the weight of solid waste received at and disposed of in the sanitary landfill during the calendar year. Planning areas entering into an agreement pursuant to 2005 Iowa Acts, House File 399, section 3, shall submit documentation to the department and a planning area receiving the solid waste under such an agreement shall, in addition, submit evidence to the department

demonstrating that required retained fees were returned in a timely manner to other planning area(s) under the agreement.

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Date

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Jeffrey R. Vonk, Director